NOTES OF CASES.

WAREHOUSE RECEIPTS—PAROL EVIDENCE.—Warehouse receipts, though made negotiable by statute, so that an indorsement thereon will transfer title, are held, in *Anderson* v. *Portland Flouring Mills Co.* (Or.), 50 L. R. A. 235, not to be within the rule which excludes parol evidence to establish liability upon commercial paper.

CONTEMPT—NEWSPAPER PUBLICATIONS.—A newspaper corporation which deliberately seeks to influence judicial action by the publication of articles threatening judges with public odium and reprobation in case they decide a pending case in a particular way is held, in *State* v. *Bee Publishing Co.* (Neb.), 50 L. R. A. 195, to be guilty of constructive comtempt.

EXEMPTION FROM TAXATION—MASONIC LODGES.—A Masonic lodge building is held, in *Fitterer* v. *Crawford* (Mo.), 50 L. R. A. 191, following *Philadelphia* v. *Masonic Home* (Pa.) 23 L. R. A. 545, and *Newport* v. *Masonic Temple Asso.* (Ky.) 49 L. R. A. 252, not to constitute property devoted to purely charitable purposes so as to be exempt from taxation.

JOINDER OF ACTIONS—TORT TO PERSON AND PROPERTY.—The right to sue in one action for injuries both to person and to property caused by the same tort is sustained in *King* v. *Chicago M. & St. P. R. Co.* (Minn.), 50 L. R. A. 161, on the ground that the claims are but separate items of damages constituting one cause of action. The annotation to the case shows that the weight of authority in this country is to the same affect.

NEGOTIABLE PAPER—FAILURE TO PROTEST, DUE TO MISTAKE OF FACT.—An honest mistake of a banker as to the law concerning holidays and days of grace, about which able lawyers and judges were not agreed, is held, in *Morris* v. *Union National Bank* (S. D.), 50 L. R. A. 182, not to make the bank liable for failure to protest a note until the day following that on which the court finally holds that it should have been done.

ATTACHMENT—NON-RESIDENCE.—Non-residence within the meaning of a statute exempting personal property of residents, as well as under the attachment law, is held, in *State* v. *Allen* (W. Va.), 50 L. R. A. 284, to begin as soon as a person who has formed the intention of moving to another State starts to leave the State, although he has not yet got outside of it and has not acquired any domicil or residence in another State.

VACCINATION—EXCLUSION OF UNVACCINATED PUPILS FROM SCHOOL.—The right to exclude unvaccinated pupils from the public schools in obedience to the

orders of a board of health is sustained, in *Blue* v. *Beach* (Ind.), 50 L. R. A. 64, although there was no statute expressly making vaccination compulsory or imposing it as a condition of attending school and the pupil excluded has not been exposed to small-pox, if people in the community have been so exposed.

LIFE INSURANCE POLICY, AS ASSETS.—A life insurance policy on a bankrupt's life which has no cash surrender value is held, in *Morris* v. *Dodd* (Ga.), 50 L. R. A. 33, to have been lawfully transferred by him to his wife within four months prior to his petition in bankruptcy, though the policy was previously payable to his legal representatives. The case has annotation showing the authorities concerning life insurance as assets of a bankrupt or insolvent.

PUBLIC CORPORATIONS—LIABILITY FOR TORT.—The general rule shown in a note in 39 L. R. A. 33, that counties are not liable for torts or negligence in the management of public institutions, is illustrated and applied in the case of *Lefrois* v. *Monroe County* (N. Y.) 50 L. R. A. 206, holding that a county maintaining a penitentiary and alms house the sewage from which contaminates a stream and the surrounding atmosphere, is not liable to an action therefor, although the county officers may be subject to an injunction to abate the nuisance.

MUTUAL BENEFIT SOCIETIES—DEFAULTS OF SUBORDINATE LODGE—The failure of a subordinate lodge of a mutual benefit society to remit an assessment to the grand lodge is held, in *Murphy* v. *Independent Order of the Sons and Daughters of Jacob* (Miss.), 50 L. R. A. 111, not to forfeit the rights of a member, although the by-laws provide that the grand lodge shall not be held for neglect of duty of subordinate lodges. With this case is a note reviewing the other authorities on the forfeiture of benefit certificates by default of subordinate lodges.

COLLATERAL INHERITANCE TAX—CONSTITUTIONALITY—NOTICE TO HEIRS.—A collateral inheritance tax for the use of the State imposed by a statute which makes no provision for notice to heirs, legatees, or devisees is held, in *Ferry* v. *Campbell* (Iowa), 50 L. R. A. 92, to be unconstitutional as a deprivation of property without due process of law. But a retroactive amendment curing such defect is held valid and operative as to the estate of a person who died before the amendment, at least so far as it affects personal property not yet distributed.

MUNICIPAL CORPORATIONS—FRANCHISE OF USE OF STREETS BY A CONTRACT UNDER FEDERAL CONSTITUTION.—A municipal grant to a street-railway company of the privilege of using its streets for the conveyance of electricity is held, in *Clarksburg Electric Light Co.* v. *Clarksburg* (W. Va.), 50 L. R. A. 142, to constitute a valid franchise and contract within the protection of the Federal Constitution; but an attempt to make such franchise exclusive was held void. The annotation to this case reviews the authorities on the privilege of using streets as a contract protected by the Constitution.